## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

ROBERT NATHANIEL OLDS,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 4:09-CV-1782 CAS
	)	
JEFF NORMAN,	)	
	)	
Respondent.	)	

## **ORDER**

This matter is before the Court on state prisoner Robert Nathaniel Olds' action pursuant to 28 U.S.C. § 2254. This case was referred to United States Magistrate Judge Thomas C. Mummert, III, for report and recommendation on all dispositive matters and for final disposition on all non-dispositive matters, pursuant to 28 U.S.C. § 636(b).

On January 8, 2013, Judge Mummert filed an Order and Report and Recommendation of United States Magistrate Judge which ordered (1) that petitioner's request for leave to amend the petition so as to delete any challenge to the 1990 denial of parole be granted in part and denied in part (Doc. 157) so that challenges to the 1990 denial of parole are deleted without the filing of an amended petition; (2) that Jeff Norman be substituted for Dave Dormire as the respondent in this case; (3) that petitioner's request to add Missouri's Board of Probation and Parole as a respondent be denied; and (4) that petitioner's motions and request for an appointed attorney and an evidentiary hearing be denied (Docs. 46, 150, and 151).

The Order and Report and Recommendation recommended that (1) the 28 U.S.C. § 2254 petition of Robert Nathaniel Olds be dismissed as untimely filed; (2) the 28 U.S.C. § 2254

petition of Robert Nathaniel Olds be dismissed without prejudice for failure to exhaust available state remedies with respect to all claims; (3) the 28 U.S.C. § 2254 petition of Robert Nathaniel Olds be denied on the merits without further proceedings; and (4) all other pending motions be denied without prejudice (Docs. 148, 151, and 157).

Petitioner filed timely objections to the Report and Recommendation. The Court has carefully reviewed petitioner's objections and the entire record of this matter. Following <u>de novo</u> review, the Court concurs in the recommendation of the Magistrate Judge as contained in the well-reasoned and very thorough Order and Report and Recommendation. Petitioner's objections are overruled.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States

Magistrate Judge is sustained, adopted and incorporated herein. [Doc. 158]

IT IS FURTHER ORDERED that Robert Nathaniel Olds' Petition for Writ of Habeas Corpus pursuant to Title 28 U.S.C. § 2254 is DENIED. [Doc. 1]

IT IS FURTHER ORDERED that all other pending motions are **DENIED without** prejudice. [Docs. 148, 151, and 157]

IT IS FURTHER ORDERED that this matter is DISMISSED, with no further action to take place herein.

An appropriate judgment will accompany this order.

CHARLES A. SHAW

UNITED STATES DISTRICT JUDGE

Dated this 28th day of January, 2013.